

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CAMARA SMITH, et al.,

Plaintiffs,

v.

**THE CHEESECAKE FACTORY
RESTAURANTS, INC.,**

Defendant.

No. 3:06-0829

JUDGE HAYNES

Collective Action

*ORDER
Based upon the
parties' joint motion
(Dkt No 141) the motion
is DENIED without prejudice
to renew if the settlement
is not finalized. Monitors
can incorporate by reference
their earlier motion
papers.*

**PLAINTIFFS MOTION TO VACATE ARBITRATION
AWARDS ISSUED BY ARBITRATOR RICHARD MCQUADE**

Plaintiffs Misty Neal, Jolene Hostal, Stephanie Yoakum, David Peltz, Jennifer Ruffin, Erick Ruffin and Clare Law (the Ohio Plaintiffs), on behalf of themselves and other similarly

situated, move the Court to vacate the arbitration awards entered by Arbitrator Richard McQuade.

This case was initially filed by five plaintiffs who worked in Tennessee, Alabama, Colorado and Texas. [Docket No. 1] While the case was pending, the Ohio Plaintiffs filed consent forms to join as party plaintiffs. [Docket Nos. 105] The Court ordered the plaintiffs to arbitration. [Docket No. 107] The parties could not agree on how or where to initiate arbitration so the Court adopted a procedure to select arbitrators and decided that the arbitrations should be held in the county and state where they worked. [Docket Nos. 124-125] The parties could not agree on an arbitrator so the Court appointed former Judge Richard McQuade as the arbitrator. [Docket No. 130]